

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-397-D

WEN CHIANN YEH,

Plaintiff,

v.

NORTH CAROLINA STATE UNIVERSITY,
ALICE WARREN, YEVONNE BRANNON,
DAN O'BRIEN, and RANDY CRAVEN,

Defendants.

ORDER

On August 10, 2018, Wen Chiann Yeh ("Yeh" or "plaintiff") filed a pro se complaint [D.E. 1]. On August 15, 2018, Yeh filed an amended complaint, seeking relief under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. § 2000e et seq. [D.E. 5]. On August 31, 2018, Yeh moved for entry of default [D.E. 19]. The motion for entry of default lacks merit and is DENIED. See [D.E. 21].

On September 7, 2018, Yeh moved for service of pleadings via paper instead of electronic means [D.E. 20]. The motion lacks merit and is DENIED. On September 18, 2018, Yeh moved for reconsideration [D.E. 22]. The motion lacks merit and is DENIED.

On October 11, 2018, defendants moved to dismiss Yeh's amended complaint [D.E. 24] and filed a memorandum in support [D.E. 25]. On November 30, 2018, Yeh responded in opposition [D.E. 32]. On December 3, 2018, Yeh filed a motion to compel [D.E. 33] and a motion for correction of a clerical mistake [D.E. 34]. On December 17, 2018, defendants responded [D.E. 35]. On January 4, 2019, Yeh replied [D.E. 36].

The court GRANTS defendants' motion to dismiss [D.E. 24]. The court DISMISSES with

prejudice defendants Alice Warren, Yevonne Brannon, Dan O'Brien, and Randy Craven because there is no individual liability under Title VII. See Abeles v. Met. Wash. Airports Auth., 676 F. App'x 170, 177 (4th Cir. 2017) (unpublished); Lissau v. S. Food Serv., Inc., 159 F.3d 177, 181 (4th Cir. 1998). The court DISMISSES without prejudice the amended complaint against defendant North Carolina State University because Yeh has failed to serve this defendant properly. See Koehler v. Dodwell, 152 F.3d 304, 306 (4th Cir. 1998); Armco, Inc. v. Penrod-Stauffer Bldg. Sys., Inc., 733 F.2d 1087, 1089 (4th Cir. 1984); Pitts v. O'Geary, No. 5:13-CV-116-D, 2014 WL 229350, at *3-4 (E.D.N.C. Jan. 21, 2014) (unpublished); Pitts v. O'Geary, 914 F. Supp. 2d 729, 733-34 (E.D.N.C. 2012). Plaintiff's motion to compel [D.E. 33] and motion for correction [D.E. 34] lack merit and are DENIED. If plaintiff wishes to continue with this action, she must file a single, coherent amended complaint and ensure that North Carolina State University is served in accordance with the Federal Rules of Civil Procedure.

SO ORDERED. This 8 day of January 2019.



JAMES C. DEVER III
United States District Judge